

REMARKS

In section 3 of the Office Action, the Examiner rejected claims 1-76 and 78-85 under 35 U.S.C. §103(a) as being unpatentable over the Angles patent in view of the Goldhaber patent.

The Examiner seems to equate an advertisement with a note. In the discussion below, applicants do not admit that an advertisement is a note or is equivalent to a note.

The Angles patent discloses an interactive communication system 10 that includes a content recipient 12, a content provider 14, and an advertisement provider 18 which communicate with each other by use of a communication medium 20. The content recipient 12 directs execution of browser software to access the content provider 14 via the communication medium 20. Once the content recipient 12 establishes a communication link with the content provider 14, the browser software of the content recipient accesses a web page 32 stored by the content provider 14 causing the content provider 14 to download the web page 32 to the content recipient 12. The web page 32 contains an embedded advertisement request 26.

When the content recipient 12 receives the web page 32, the embedded advertisement request 26 is executed causing the embedded advertisement request 26 to re-direct

the content recipient 12 to establish a communications link with the advertisement provider 18. The advertisement provider 18 thereby executes a script that contains a content provider member code. The advertisement provider 18 uses the content provider member code to track the number of advertisements viewed by content recipients such as the content recipient 12.

When the content recipient 12 acquires the advertisement 30, it combines the advertisement 30 from the advertisement provider 18 with the web page 32 from the content provider 14 into a displayable page. The advertisement 30 appears to be continuously updated, even while it is being viewed by the consumer. Further, the content recipient 12 can obtain additional information about the advertised goods or services by selecting a hyper-link embedded in the advertisement 30.

The advertisement provider 18 determines which advertisements are effective, monitors what goods and services the content recipient 12 particularly desires, and charges the advertisers additional amounts whenever the content recipient 12 seeks additional advertising information.

Advertisers may be billed by the advertisement provider 18 based on actual delivery of the advertisements

to the content recipient 12. Also, the advertisement provider 18 can pay the content provider 14 based on the volume of advertisements actually displayed by the content provider 14. The content recipient 12 can be paid with digital cash each time the content recipient 12 views an advertisement. Because the number of advertisements viewed by the content recipient 12 associated with a particular Internet provider can be monitored, the Internet provider can also be paid based on the number of advertisements viewed by the content recipient 12.

Figure 4 illustrates the events in the above process. The content recipient 12 registers with the advertisement provider 18 (event A), and the content provider 14 registers with the advertisement provider 18 (event B). The content recipient 12 accesses the content provider 14 (event C), and the content provider 14 downloads a web page (event D). The content recipient member code is sent to the advertisement provider 18 (event E), and an advertisement is sent to the content recipient 12 (event F).

Alternatively, the advertisement provider 18 can send the advertisement 30 to the content provider 14 instead of directly to the content recipient 12. Upon receiving the advertisement 30, the content provider 14 incorporates the advertisement 30 into the web page 32. The content provider

14 then forwards the web page 32, combined with the advertisement 30, to the content recipient 12. The web page 32 with the advertisement 30 is then displayed to the content recipient 12.

In yet another alternative shown in Figures 10 and 11, the content recipient 12 establishes a communication link with the content provider 14 and the content recipient 12 then sends the content recipient member code 22 to the content provider 14 (Event A). In event B, the content provider 14 sends an advertisement request 26 and the content recipient member code to the advertisement provider 18. In event C, the advertisement provider 18 selects an appropriately customized advertisement 30 dependent upon the content recipient member code and sends the advertisement 30 to the content recipient 12. In event D, the content provider 14 sends the requested web page 32 to the content recipient 12.

Independent claim 1 is directed to engaging in an activity arising from the content of the note and providing payment to a third party based upon the activity. The third party is distinct from the party engaging in the activity.

As the Examiner recognizes, the Angles patent does not disclose making a payment based on an activity that arises from the content of a note.

Accordingly, the Examiner cites the Goldhaber patent. The Goldhaber patent essentially discloses two payment scenarios, which it characterizes as negative pricing and positive pricing.

Negative pricing involves paying a consumer to view an advertisement and in some instances to interact with the advertisement. In this scenario, the payment is provided to the consumer, i.e., the second party of claim 1, instead of to a third party. Accordingly, the Goldhaber negative pricing scenario does not meet or suggest the payment limitation of independent claim 1.

Positive pricing involves a consumer paying for acquiring a television program, prerecorded music, magazine or newspaper articles, or a research report. In this case, there is no disclosure in the Goldhaber patent that such information is obtained through an advertisement and, therefore, there is no disclosure in the Goldhaber patent that the payment is being made based upon an activity arising out of an advertisement. Accordingly, the Goldhaber positive pricing scenario does not meet or suggest the payment limitation of independent claim 1.

Consequently, because neither the Angles patent nor the Goldhaber patent discloses or suggests providing payment to a third party based upon an activity arising out

of the content of a note, it would not have been obvious to one of ordinary skill in the art to combine these two patents in such a way as to result in the invention of independent claim 1. Accordingly, independent claim 1 is not unpatentable over the Angles patent in view of the Goldhaber patent.

Independent claim 29 is directed to posting a note at a content provider and downloading the note from the content provider to the content recipient without resort to a cut or copy operation and without downloading a web page.

As shown in Figures 1 and 9, the Angles patent discloses two scenarios for downloading an advertisement to a content recipient. In the scenario of Figure 1, the advertisement is downloaded directly from the advertisement provider to the content recipient and the web page is downloaded from the content provider to the content recipient. In the scenario of Figure 9, both the advertisement and the web page are downloaded from the content provider to the content recipient. In each case, the content recipient gets a web page in addition to the advertisement.

However, as recited in independent claim 29, the note is downloaded without the necessity of also downloading the web page.

As can be seen, the Angles patent does not disclose or suggest this aspect of independent 29.

Further, the Goldhaber patent does not disclose a content recipient who downloads material posted by a content provider without resort to a cut or copy operation and without downloading a web page.

Therefore, the Goldhaber patent also does not disclose or suggest this aspect of independent 29.

Consequently, because neither the Angles patent nor the Goldhaber patent discloses or suggests a content recipient who downloads material posted by a content provider without resort to a cut or copy operation and without downloading a web page, it would not have been obvious to one of ordinary skill in the art to combine these two patents in such a way as to result in the invention of independent claim 29. Accordingly, independent claim 29 is not unpatentable over the Angles patent in view of the Goldhaber patent.

Independent claim 41 is directed to the posting of a note on a web page of a content provider, downloading the note separately from the web page without resort to a cut or copy operation, and paying a third party based upon the posted note.

Neither the Angles patent nor the Goldhaber patent discloses or suggests providing payment to a third party based upon a note posted on a web page of a content provider. There is no disclosure or suggestion in the Angles patent that payment to a third party relates to anything posted on a web page. Similarly, there is no disclosure or suggestion in the Goldhaber patent that payment to a third party relates to anything posted on a web page.

Accordingly, it would not have been obvious to one of ordinary skill in the art to combine these two patents in such a way as to result in the invention of independent claim 41. Therefore, independent claim 41 is not unpatentable over the Angles patent in view of the Goldhaber patent.

Independent claim 81 is directed to downloading a note from a content provider to a content recipient, where the note has an attachment characteristic such that the note is attachable to a window without assimilation into the window.

The Examiner points to column 8, lines 50-57 of the Goldhaber patent for a drag and drop feature. However, there is no suggestion in the Goldhaber patent that content

can be dragged and dropped without being assimilated into the content into which it is dropped.

Consequently, it would not have been obvious to one of ordinary skill in the art to combine the Angles patent and the Goldhaber patent in such a way as to result in the invention of independent claim 81. Accordingly, independent claim 81 is not unpatentable over the Angles patent in view of the Goldhaber patent.

Newly added independent claim 86 is directed to downloading a note from a content provider to a content recipient, where the note is posted on a web page of the content provider, and where the note is downloaded without resort to a cut or copy operation and without downloading a web page.

As discussed above, neither the Angles patent nor the Goldhaber patent discloses or suggests downloading material from a content provider to a content recipient without resort to a cut or copy operation and without downloading a web page.

Therefore, it would not have been obvious to one of ordinary skill in the art to combine these two patents in such a way as to result in the invention of independent claim 86. Accordingly, independent claim 86 is not

unpatentable over the Angles patent in view of the Goldhaber patent.

Because independent claims 1, 29, 41, 81, and 86 not unpatentable over the Angles patent in view of the Goldhaber patent, dependent claims 2-28, 30-40, 42-76, 78-80, and 82-85 are not unpatentable over the Angles patent in view of the Goldhaber patent

CONCLUSION

In view of the above, the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the present application are respectfully requested.

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